President's Column

Marcus M. Wilson

It has been a pleasure to serve the Hinds County Bar Association. The enthusiasm and dedication of the membership makes this a great organization. I want to express my gratitude to the committees listed on the next page for many enjoyable and constructive meetings which we shared. Thank you for your hard work.

The Lawyer Referral Service would never have become a reality if Melissa J. Morgan, Ben Piazza, Mark Franklin and the LRS Committee had not worked so diligently. LRS boasts a membership of almost 100 HCBA attorneys and receives approximately 40 calls daily from people needing representation. The HCBA thanks you.

Last, but not least, I thank Pat Evans for being first rate. She is easy to work with and keeps the HCBA running smoothly.

The time has come to turn over this column to Harris Collier. Congratulations, Harris. The HCBA is proud to have you lead us next year.

...continued on page 2

Habitat Director Welcomed

Nina Redding, executive director of Habitat for Humanity, was welcomed at the February Membership Meeting by the HCBA Golf Tournament Committee. The Golf Tournament in 1995 raised $5000 for Habitat. Committee members are Ben Piazza, John McCullough, Kenny Grijalva, Chairman Mark Chin, and Harris Collier. Not pictured are Karla Pierce, Debra Allen and Mike Maloney.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

April 16, 1996  12:00 Noon  $10.00  Capital Club

The moderator will be James L. Robertson and will feature Warren Ludlam, James Child, Jr., James Becker, Martha Gerald, and Erskine Wells. The speakers will reminisce about their careers and discuss the future of the practice of law.
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**Secretary:** Mark A. Chinn  
**Continuing Legal Education**  
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Vice-Chair: Joseph E. Robberts, Jr.  
Board Liaison: John M. McClook  
Golf Tournament  
Chair: Mark A. Chinn  
Vice-Chair: Karla Pierce  
Board Liaison: John M. McClook  
Law Related Education  
Chair: Pamela W. Dill  
Vice-Chair: Andy Matt Penseil  
Board Liaison: T. Hurlin Collier, III  
Lawyer Referral  
Chair: Ben J. Piazza, Jr.  
Vice-Chair: J. Mark Franklin, III  
Board Liaison: Samuel C. Kelly  
Legal Economics  
Chair: William R. Wright  
Vice-Chair: John Land McDavid  
Board Liaison: T. Hurlin Collier, III  
Legal Problems of the Homemaker  
Chair: Michael S. McNichols  
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Chair: Richard C. Roberts, III  
Vice-Chair: Richard T. Bennett  
Board Liaison: Richard C. Roberts, III  

If I told you that last July I attended a conference on “The Role of the Independent Judiciary” and that the keynote speaker was Supreme Court Justice Antonin Scalia, you would think that was nice, but not particularly special. If I then told you that the conference was sponsored by the American Bar Association, you might understand why I found the experience to be one of the most important events of my professional life.

Last spring, I replied to a United States Information Service request for an American law librarian with legislative library experience to serve as a consultant to the Republic of Armenia on the creation of a parliamentary library. I was accepted for the position. Five months and five inoculations later, I was in Armenia, a land-locked country slightly smaller than Maryland, but as old as civilization.

I did my work in Yerevan, the capital city. I worked closely with the United States Information Service at the American Embassy and by the people I worked with and my colleagues to provide services in areas of special importance to our mission. I worked with the Armenian government and by this relationship, we were able to provide services in areas of special importance to our mission.

I found the people of Armenia very intelligent, hard-working and highly valued in Armenian culture. Armenia is a former communist country that is striving to bring democratic structures into an existing judiciary that had been based in communist traditions. The Armenian judges were eager and interested participants, but somewhat dubious about their personal job security in an uncertain political climate.

Armenia had adopted its first constitution in the week before I got there. What was happening with the judiciary is only one aspect of the great challenge of refashioning the former communist country and a new democratic. Nothing I had ever experienced prepared me for my five weeks in this country.

So many things that we lawyers take for granted do not exist. For instance, laws relating to ownership of real property had to be developed. A personal law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed. A property law requires that Armenia’s infrastructure be developed.
April 17
Federal Practice and Procedures.
UM, 601-232-7282

April 18
Small Estates Seminar: Structuring & Administering the Non-Testable
Estate. MC School of Law. 925-7173

April 19
Nursing Home Law in MS. NBI. 715-835-7800

April 20
Computer and Internet for Small
Offices. VISI/MS Assn./MS Assn.

April 23
School Law Issues in MS. NHL 715-835-7909

April 24
Tax Aspects of Divorce in MS. NHL. 715-835-7909

April 25
Basic Probate Procedures &
Practice in MS. NHL. 715-835-7909

April 26
Fundamentals of Chapter 13
Bankruptcy. UM. 601-232-7282

Counseling the Small Business
Client in MS. NHL. 715-835-7909

May 3
Second Annual MS Tax Law
Conference. UM. 601-232-7282

Child Advocacy. MS Bar Young
Lawyers Division. 988-4471

May 10
Real Estate Law Seminar.
MC School of Law. 925-7173

Fifth Annual Federal Practice
Institute. MS Chapter of the Federal
Bar Association. 949-4709

May 15
Evidence in Trial Practice in MS.
NHL. 715-835-7909

May 16
Hot Tips Seminar. MS Bar Family
Law Section. 948-4471

HCBA Calendar
of Events

April 16
HCBA Membership Meeting.
Noon. Capital Club

May 2
HCBA/MS Law Week Dinner.
6:30. Primos Northgate

June 18
HCBA Membership Meeting.
Noon. Capital Club

August 20
HCBA Membership Meeting.
Noon. Capital Club

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ANNUAL MEETING

Hinds County Bar Association
Jackson Young Lawyers Association, Inc.

Invite you to join us during Law Week for an
EVENING HONORING THE JUDICIARY

May 2, 1996

Primos Northgate

6:30 Reception 7:30 Dinner

Special Guests:
Hinds, Madison & Rankin County
State & Federal Judges

Guest Speaker:
Ronnie Musgrove
Lieutenant Governor of Mississippi

RSVP

$25 per person
Law Schools Release Class of '95 Employment Data
by David L. Trewolla

The Mississippi College School of Law and University of Mississippi Law Center have released a variety of informative statistics about postgraduate employment of each school's Class of 1995. This data is not available until at least six months after graduation because of student involvement with bar examinations and job interviews. The following breakdown, arranged by percentage of students employed in specific areas of practice, applies to 109 law graduates of Mississippi College and 181 graduates of Ole Miss comprising the Class of 1995.

**PRACTICE AREAS**

<table>
<thead>
<tr>
<th>PRACTICE AREA</th>
<th>MISSISSIPPI COLLEGE</th>
<th>UNIVERSITY OF MISSISSIPPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Practice</td>
<td>67%</td>
<td>59%</td>
</tr>
<tr>
<td>Business &amp; Industry</td>
<td>5%</td>
<td>9%</td>
</tr>
<tr>
<td>Government</td>
<td>5%</td>
<td>7%</td>
</tr>
<tr>
<td>Judicial Clerkship</td>
<td>13%</td>
<td>9%</td>
</tr>
<tr>
<td>Public Interest</td>
<td>8%</td>
<td>3%</td>
</tr>
<tr>
<td>Military</td>
<td>2%</td>
<td>0%</td>
</tr>
<tr>
<td>LL.M.</td>
<td>8%</td>
<td>5%</td>
</tr>
<tr>
<td>Undisclosed or Non-Legal Profession</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

The majority of those entering private practice are working in firms comprised of two to ten (2-10) lawyers. Only 4% have "hung out the proverbial shingle" as solo practitioners. Although these graduates have primarily located in Mississippi and other Deep South states, the following is a more detailed analysis of their geographic locations pursuant to guidelines of the National Association of Law Placement.

**EMPLOYMENT AREAS**

<table>
<thead>
<tr>
<th>EMPLOYMENT AREA</th>
<th>MISSISSIPPI COLLEGE</th>
<th>UNIVERSITY OF MISSISSIPPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>New England (CT, ME, MA, NH, RI, VT)</td>
<td>2%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Middle Atlantic (NJ, NY, PA)</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>East North Central (IL, IN, MI, OH, WI)</td>
<td>6%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>West North Central (IA, KS, MN, MO, ND, SD)</td>
<td>5%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)</td>
<td>15%</td>
<td>7%</td>
</tr>
<tr>
<td>East South Central (AL, KY, MS, TN)</td>
<td>64%</td>
<td>86%</td>
</tr>
</tbody>
</table>

West South Central (AR, LA, OK, TX) | 5% | 5% |
Mountain (AZ, CO, ID, MT, NV, NM, UT, WY) | 2% | <1% |
Pacific (AK, CA, HI, OR, WA) | 1% | 0% |

Perhaps of more interest, the average starting salary for graduates entering private practice and industry is $35,000, and for those entering the public arena is $32,500. Salaries range from a low of $13,000 to a high of $65,000. Considering the national trend toward private firm and corporate personnel reductions in an ever tightening marketplace for law graduates, the above statistics reflect highly upon the product generated by Mississippi's law schools.

To enhance opportunities for their graduates, both law schools again held a regional job fair on the Mississippi Gulf Coast in March 1995. Career Services Directors Joyce Whirtington of Ole Miss and Peggy Brown of Mississippi College are discussing methods to attract more employers from before committing to a 1996 job fair. Firms interested in participating are encouraged to contact Joyce and Peggy with their suggestions for improving this event.

The Hinds County Bar Association extends its congratulations and best wishes to the 1995 graduates and cordially invites for membership those graduates who have located in the Jackson area.

David Trewolla is a member of the HCBA Editorial Board and an attorney with Dougan & Whiteman, PLLC.

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February Membership Speaker

Chief Justice Don M. Lee (center) was the speaker at the February HCBA Membership Meeting. He is pictured with HCBA President Marcus Willson and Program Chairman Trip Burrell.

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HCBA Committee Preference Survey

Committees are vital to the programs and activities of the HCBA. Committee effectiveness depends on the selection of interested, experienced, and capable members. Your Committee work is an excellent way to do your part in promoting the profession. Committees meet regularly and a free lunch is provided. Please assist us by completing the questionnaire and returning it by May 1, 1996.

T. Harris Collier, III
President-Elect

1. I am interested in serving on the following committees (indicated in order of preference):

   ______ Alternative Dispute Resolution
   ______ Library Services
   ______ Bench & Bar Relations
   ______ Long Range Planning
   ______ Black Lawyer Involvement
   ______ Membership
   ______ Budget & Finance
   ______ Newsletter Editorial Board
   ______ By-Laws
   ______ People's Law School
   ______ Child Advocacy
   ______ Program
   ______ Continuing Legal Education
   ______ Small Firm Practice
   ______ Golf Tournament
   ______ Tennis Tournament
   ______ Law Related Educations
   ______ Women in the Profession
   ______ Lawyer Referral
   ______ Suggested new committee:
   ______ Legal Economics
   ______ Legal Problems of Homeless
   ______ Legal Secretary Placement

2. I am willing to chair the following committees:

   ______
   ______
   ______

3. I offer these suggestions to make the HCBA more effective:

   ______
   ______
   ______

Name:

Firm/Agency:

Address:

City

State

Zip

Telephone (Business):

Telephone (Residence):

Mail for Patricia Evans

151 E. Griffith

Jackson, MS 39201
Several of the committee members who served on the 1996 People's Law School include Stephen Leech, Keith Foreman, Marcus Wilson, Chairman Peter Dornin, Patricia Bennett and John Hensgon. The program which ran four Tuesday nights was financially assisted by the Interest on Lawyers Trust Accounts Program of the Mississippi Bar Foundation, Inc.

UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE

Three days, a lot of title companies, claims to be financially sound. But truthfully, what they promote are inflated ratings and statistics that are not some measure of financial strength. In fact, they are often misleading.

At Mississippi Valley Title, we can do for standard first claims paying a little more for title insurance. That's why we are the one entity to exceed a rating of BB+ by Standard & Poor's. We were given an A+ — the highest rating from S&P in the title industry to date — along with our affiliates and an underwriter, Old Republic National Title Insurance Company, who received an A+ rating last year as well.

Ask another title company for their rating from Standard & Poor's. If they don't have one, ask why their Mississippi Valley Title.
QUID VADIS: THE INTERNET

Back in the '60s, when some of us were into flowers, love beads, and bell bottoms, the military and NASA began to get serious about information transmission in the event of national emergency.

This "networking" was begun by The Advanced Projects Research Agency (APRA), later known as DARPA (Defense Advanced Projects Research Agency). To allow different computers to connect and transfer data readily, a protocol of conventions had to be developed to allow harmonization. This development led to a communications suite known as TCP/IP (Transmission Control Protocol/Internet Protocol). Try that on your system administrator and impress him/her with your newfound knowledge.

Time passed, and virtually every large university became a part of this interconnection of networks, which by the 1970's had become known as The Internet. Today, fortunately, we end users can be more concerned with what network provider. As noted last time, your choices are much like those of the national services (America Online, CompuServe, Microsoft, etc.) or local providers (AOL is a good one).

In earlier days, software control was provided by a suite of Unix protocols in a character-based environment. Thanks to the graphical interfaces now available (since the advent of Windows for DOS and X Windows for Unix) through the Worldwide Web, navigation is far easier. Metz4 provides a copy of Netscape with their service, and some of the national providers supply proprietary software. In any event, you are far better off holding your nose and diving in as soon as possible.

SOFTWARE NOTES

As noted in my last article, WordPerfect has sold, by Novell to Corel. While Microsoft has long since released its 32-bit-tame version of Word for Windows95 (and several interim patches), WordPerfect has yet to release its like version. In fact, they anticipate shipping that release May 31, but there are no guarantees.

The advice from here: if you have or determine to stay with Windows 3.11 or Windows for Workgroups, stick with WP Win 6.1, but don't miss any changes to begin the learning curve to Word, particularly if you buy new equipment. Many dealers, such as Gateway or Dell, are bundling Word and the suite it is in with Windows95 on new systems; these represent excellent values.

While Unix has become even more refined with the introduction of SCO's Open Server5, Microsoft has ramped the ante with its aggressive marketing of Windows NT, a true 32 bit operating system. Those of you in larger offices may wish to consider this avenue if you are in the market for upgrading systems.

More next time. If you have questions, comments, or requests for topics covered, drop me an email at 76161,10200@compuserve.com.

On Computing
by Joel Howell

HCBA Plans to Compile a History

The Newsletter Editorial Board is seeking information about the formation and early years of the Hinds County Bar Association. The only charter on file with the Secretary of State's Office dates to December 1981.

The minutes in the possession of the Executive Director of the HCBA are from the 1970s. The oldest newsletter in the association's files is dated 1982.

We believe the Hinds County Bar Association may not have been organized until 1932, at the same time as the enactment of the law creating the "unified" Mississippi State Bar and requiring the membership of all lawyers practicing in the state. Before that legislation, at least from 1906 until 1931, the local county or bar associations were affiliated with the Mississippi State Bar, a voluntary organization, and each county had a representative serving as "vice president" of the State Bar.

HCBA records show that Leon J. Hendrick was Hinds County Bar Association president in 1932-33.

There is no information dating before 1932, and nothing is known about the association during the years 1933 to 1936.

F. J. Lockett served in 1936-37. R. S. Barnett was president two years from 1937 to 1939 and again for three years, 1947 to 1950; T. L. Ponce in 1939-40, and William Harold Cox, 1944-45. All the presidents are listed on page two of the 1959 Pictorial Directory.

For any lawyer or firm with a file of minutes, committee report, correspondence, photographs, or other information relating to the early days of the Hinds County Bar, please contact Linda Thompson, Editorial Board Historian, 983-4267, and share this resource with us. Telephone if you have any interesting anecdotes from "olden times." We hope to put together a history for publication in the Newsletter.

New MC Law School Phone Numbers

Effective March 19, MC School of Law has new phone numbers:

Main number, 925-1700

Admission 925-7103

Student Services 925-7106

Professional Services 925-7113

Office of the Dean 925-7105

Library/Reference Desk 925-7127

McCullough Attends ABA Institute

Joining some 250 other emerging leaders of lawyer organizations from across the country at the American Bar Association's Leadership Institute, March 15-17, in Chicago, is John McCul lough, secretary-treasurer of the Hinds County Bar Association. Also attending was Patricia Evans, HCBA executive director.

The Leadership Institute is held annually in Chicago for incoming officials of local and state bar and special constituency lawyer organizations. The seminars provide the opportunity to confer with ABA officials, other leader colleagues, executive staff and other experts on the operation of such associations.

Various ABA entities briefed the participants on resources available from the ABA. Sessions were held on bar organization and management, justice system issues and communications techniques.

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Mississippi College School of Law

Upcoming CLE Seminars

Planning and Administering the Small, Non-Taxable Estate

Thursday, April 18, 1996
Ramada Plaza Hotel

6 Hours CLE

Eleventh Annual
Real Estate Law Seminar
Friday, May 10, 1996
Ramada Coliseum
6 Hours CLE
includes 1 hour ethics

Annual Medical
Malpractice Seminar
Friday, June 21, 1996
Primos Northgate
6 Hours CLE

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Assistant Dean
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A service of the Hinds County Bar Association
President’s Column

T. Harris Collier

What’s wrong with the criminal justice system? At the June meeting of the HCBA, City of Jackson Police Chief Robert Johnson talked about his efforts to improve the quality of police protection in Jackson. He also expressed his frustration with the District Attorney’s office and the criminal court system. While not offering any solutions to the problem, he said that we should all accept responsibility for improvement in the system.

Recent news reports indicate that violent crimes are down. There are indications that juvenile crime is on the rise and will be with us for some time. Most members of the HCBA both live and work in the Jackson area; we must be prepared to offer whatever assistance is necessary to make the Jackson Metro area a safer place to live.

If you would like to be a member of the Lawyer Referral Service, please complete and send in the application found in this newsletter. The continued existence of the LRS depends on enrollment fees from panel members and contingency fees from referred cases.

Your golf committee has been busy preparing for this year’s tournament. It will be held at Deerfield Country Club on Friday, August 23. Proceeds from the tournament will benefit the Mississippi Voluntary Lawyer Project. An application for participation is in the newsletter; call Mark Chinn, Kenny Griffis or Ben Piazza if you’re interested in being a hole sponsor.

Peoples’s Law School

Duane McCallister (second from left), Editor and Publisher of The Clarion-Ledger, was presented with a plaque for the paper’s sponsorship of the People’s Law School. Making the presentation were John McCullough, HCBA President-Elect and a past People’s Law School Chairman (left), and Harris Collier (second from right), HCBA President, and Pete Doran (right), 1996 People’s Law School Chairman.

Central District Supreme Court Candidates

Voters in the Central District of Mississippi, which includes Hinds County and the Jackson metropolitan area, will cast ballots for two Mississippi Supreme Court seats November 5, 1996. Seven candidates, including incumbent Dan M. Lee, filed qualifying papers for Position 1 of the Central District. Judge Lee has indicated he will not seek reelection, although he has not formally withdrawn. This leaves the following six candidates, listed in alphabetical order: Billy G. Bridges, W. O. (Chet) Dillard, H. Gerald Hosemann, Leslie H. Southwick, William L. (Bill) Waller, Jr., and Ed Williamson. If no candidate wins a majority, a runoff election will be held November 19, 1996.

Two candidates have filed papers to run for Position 2 of the Central District. Incumbent Fred L. Banks will face a challenge by Ryan Hood. For more information on the candidates or the election, you may contact the Election Division of the Secretary of State’s office at 359-6357.
August Meeting Member Speaker
Boyce Holleman

Boyce Holleman received his Liberal Arts and Juris Doctorate degrees from the University of Mississippi and practices law with his son, Tom and Daun, in Gulfport, Mississippi. He was a decorated naval aviator in World War II on the U.S.S. Gambier Bay until his combat dignity retirement as a Lieutenant Commander in 1946. A member of the Mississippi House of Representatives for six years, he served as District Attorney for the Mississippi Gulf Coast for 19 years, and attorney for the Board of Supervisors of Harrison County, MS for 18 years. A past president of The Mississippi Bar Association, Holleman has been named as one of America’s top lawyers in The Best Lawyers in America since 1987. He was recently honored by the City of Gulfport by naming of the street that runs in front of the Harrison County Courthouse in Gulfport, “Boyce Holleman Boulevard.” A member of the Screen Actors Guild, he has appeared in a number of cameo roles in national television productions and movies. Holleman is now in his 46th year of practicing law and lectures at legal seminars. He is also well known as an after-dinner speaker who blends humor with inspiration. He resides in Gulfport, Mississippi, with his wife, Annie Louise, and has four sons and two daughters.

Tom S. Lee
United States District Judge
by William A. Pyle

Basic Information
Honorable Tom S. Lee
United States District Judge
Southern District of Mississippi
245 East Capitol Street, Suite 110
Jackson, MS 39201
Telephone: (601) 960-4863
Court Room Deputy: Gwen Bryant
Secretary: Jo Wolf
Law Clerks: Canen Peters and Dave Felcher (Dave Felcher will leave in August, 1996 and will be replaced by Diane Crews.)
Spouse: Norma Ruth Robbins
Children: Elizabeth Robbins Lee and Tom Stewart Lee, Jr.
Born: 1941

Background
Professional excellence and a strong tradition of service to the bench and bar are traits that run deep in the Lees of Scott County, Mississippi. Judge Lee’s father, the late Percy Mercer Lee, Sr. and Judge Lee’s brother and former law partner, Roy Noble Lee, both served as Chief Justice of the Mississippi Supreme Court. Continuing that tradition, Judge Lee finished first in his class at Mississippi College where he received his B.A. degree in 1963. He then went on to graduate cum laude from the University of Mississippi Law School in 1965. For his excellent work at the University, he was named the University’s outstanding graduate for 1965.

Judge Lee practiced law in Forest, Mississippi in the partnership of Lee & Lee from 1965 until 1984 when President Reagan appointed him to the bench of the United States District Court for the Southern District of Mississippi.

Operation of Court
In regard to motion practice, Judge Lee noted that most motions submitted to him were decided on the basis of the attorney’s submissions. Oral argument is the exception rather than the rule. In making submissions on legal issues, it is helpful to the Court for the attorneys to submit highlighted copies of case authority relied upon by counsel.

Law Clerks
Lawyers have called the law clerks to request advice on what to do in regard to procedural matters. Judge Lee takes the position that this is a request for an advisory opinion and the law clerks are not permitted to advise attorneys on how to proceed with their case.

Opening Statements
Judge Lee noted that from his observation of trials, many lawyers fail to take full advantage of their opportunity to make an opening statement. While the opening statement cannot be argument to the jury, the attorney can make detailed representations as to what the proof will be. This affords the attorney an important initial opportunity to present the outline of his case.

Experts
Fursuant to the Daubert case, Judge Lee is under an enhanced obligation to screen the relevance and reliability of expert testimony. Council offering expert witnesses need to be prepared to meet the requirements established by the United States Supreme Court in that case. [Note: the Federal Judicial Center’s Reference Manual on Scientific Evidence (West Publishing 1994, 637 pages, price $12.50 is a good reference on these issues.]

Professionals
The Court insists on civility and professionalism by attorneys. He can be aggressive in presenting their cases without losing the element of civility towards opposing counsel and the Court.

Vot Dire
Attorneys are permitted supplemental voir dire. This is limited to questions which the Court does not cover in the Court’s initial voir dire of the jury panel.

Instructions
On the first day of trial, counsel for each party submit suggested instructions. During the trial, Judge Lee and his Law Clerk prepare a full set of instructions. At the conclusion of the presentation of evidence, a conference is held with counsel. The conference begins with a discussion of Judge Lee’s tentative instructions. These instructions will cover all issues in the case. Counsel are permitted to add suggestions or revisions of those instructions. However, Judge Lee has found that few changes are requested.

Judge Lee will instruct the jury before final argument. Further, a copy of the instructions will be given to the jury to use in the course of their deliberations.

Lawyer’s Evaluation
The Almanac of the Federal Judiciary, Volume 1, published by Aspen Law & Business, reports the following comments from attorneys who have practiced before Judge Lee: “Lawyers praised Lee for his intellectual, courteous, and trial management skills. Lawyers said Lee has excellent legal abilities. He is the finest U.S. District Judge in the United States. He should be on the Supreme Court.” I have the highest regard for him. I think he’s tops on intelligence. He writes well and cuts to the point.” He is by far the most excellent judge over there. He has superb legal ability and comes from a long line of lawyers. His legal ability is outstanding.” He may be the best legal scholar on the bench. He’s more academically oriented. “Probably if Mississippi has ever had a better, more qualified judge than Tom Lee, I don’t know who it is. He works so hard and he’s so bright and he has so much courage.” He’s the best of the best. His legal ability is beyond excellent.” He’s just a superb judge and probably one of the best.”
Tom S. Lee continued from previous page

best in the country." "He's the best judge in this district by far. He's fair, even-handed and patient. He's very smart and prompt."" 

"Lawyers see Lee as polite to lawyers and litigants. He's probably one of the most cordial judges that I have ever seen. He has a very nice personality. "He's very pleasant." His demeanor is to me, perfect. He's a very unassuming and a very nice person. "He's unassaying courts." 

"He's a brilliant trial judge. He's low-key and a real Southern gentleman. But he may get riled up and doesn't put up with any foolishness. "He will let the people try the cases and he's fair with them. And once you've done that, he's not afraid to rule. "He's a good trial judge." 

When a lawyer walks into his office whether on routine motion or a big trial, he's read every line on every document — or you certainly believe he has. The only thing wrong with that, is that he expects you to be as prepared as he is. He doesn't have much patience with that, because he is prepared. He's a really outstanding judge! "He's probably one of the finest trial judges in the U.S. for all that that means in terms of fairness, ability and management skills — whatever — you name it, he has it." "He has a good reputation and he has no prejudices in trial. The book on him is that he's pretty straightforward and it's true." 

"Civil lawyers pegged Lee as a conservative-to-moderate. "I'd say he's conservative-to-moderate. If he has any leanings, I think it is toward the defense in personal injury litigation, but he is unaffected by any kind of prejudices." 

"Criminal defense lawyers said Lee is fair during trial, but a tough sentencer. "He's very good in criminal cases. "He's probably the smartest judge in Mississippi, but he's hell on criminal cases in sentencing. He tries to be very fair and does not lean toward the government, but he will sentence your defendant. You don't want to get convicted in front of Tom Lee."" 

Mr. Pope is President of Pope, Dutcher, Mills & Free, PA.
CLE Calendar of Events

October 25
Criminal Law Seminar.
MTLA 948-8631

November 20-21
MS Association of Public Accountants. 1-800-321-1276

HCBA Calendar of Events

August 20
HCBA Membership Meeting.
Noon. Capital Club

August 21
HCBA Golf Tournament.
Noon. Deerfield Country Club

September 10
HCBA Membership Meeting.
Noon. Capital Club

October 15
HCBA Membership Meeting.
Noon. Capital Club

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Mississippi College School of Law

Upcoming CLE Seminars

Fourth Annual Evelyn Gandy Lecture Series
Women in the Profession...
Inventing Change
Fri., Sept. 20 & Sat., Sept. 21, 1996
Old Wavelly Club, West Point, MS
6 hours CLE

Tenth Annual Bankruptcy Law Seminar
Friday, September 27, 1996
MS Sports Hall of Fame, Jackson
6 hours CLE
includes 1 hour Ethics

Annual Workers’ Compensation Seminar
Thursday, November 7, 1996
Ridgeland Coliseum
6 hours CLE

For Information, Contact William R. Townsend. Assistant Dean
(601) 925-7173

Golf Outing Just For Lawyers

[All lawyers and judges in Hinds, Rankin & Madison are eligible]

4th Annual
Hinds County Bar Association/ Jackson Young Lawyers
Golf Tournament
Friday, August 23, 1996
Shotgun tee off: 1:30 p.m.
Hamburger Buffet 12:00 noon
Deerfield Golf Course

All proceeds from the tournament will go to
HCBA/JYL Mississippi Volunteer Lawyers Project
4 Person Scramble
Limit 116 Persons

Only $75 (Includes Lunch and Post-Tournament Cocktail Party)

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Each company is limited to a combined handicap of at least 90 or more with only 1 member having a handicap of 10 or less.

Send check payable to: Hinds Co. Bar Assn. c/o Karla Price, PO. Box 24622, Jackson, MS 39225-4622.
For more information call Karla at 969-3692.
Join the Hinds County Bar Association for an After Hours Social at George Street Grocery Thursday, September 19, 1996 5:30 - 7:00 p.m.

Open Bar • Hors D'oeuvres • Spouses Invited

Please mark your calendar as individual invitations will not be mailed.

Hinds County Bar Association, Inc.
151 E. Griffith Street
Jackson, MS 39201

FIRST CLASS
President’s Column

T. Harris Collier, III

It’s hard to believe that my term in office is more than halfway over. At a conference I attended as President-Elect, taking over as President was aptly described as jumping on a fast-moving freight train. With nearly 1100 members and 18 committees, the first part of my term has been a real challenge.

Your HCBA Committees continue to be active. The Women in the Profession Committee, along with the MS Bar Women in the Profession Committee, have begun making plans for next year’s Evelyn Gandy Lecture Series Seminar. It is tentatively scheduled for the third weekend in October, 1997 at Old Waverly.

The Peoples Law School Committee has scheduled its seminars for the public on the last two Tuesdays in March and first two Tuesdays in April, 1997. Times and locations will be announced later. The CLE Committee continues to meet and make plans for a CLE seminar to be held during the Spring.

The Golf Committee (which seems to have a life of its own) has begun making plans for next summer’s HCBA/JYL tournament.

As most of you know, Judge William Coleman, Hinds County Circuit Judge, has announced his retirement for December 31, 1996, after 20 years on the bench. I have enjoyed knowing Judge Coleman and appreciate his dedication and professionalism. The HCBA hosted a reception for Judge Coleman on December 19, at the Capital Club. Hope you were able to attend.

The HCBA Christmas Social was held on Thursday, December 5, at the MS Bar Center and was very well attended.

I hope you will take time from your busy schedules to enjoy, and remember the reason, for the season.

Happy Holidays!

HCBA October Membership Meeting

Brad Pigott, U.S. Attorney for the Southern District of Mississippi, was the speaker at the October Membership Meeting. He is pictured with Trip Barnes, HCBA Program Chairman, and Harris Collier, HCBA President. (Article on Page 7.)

1996-97 HCBA Officers and Directors

Serving as 1996-97 HCBA Officers and Directors are: (seated) T. Harris Collier, III, President; John M. McCallough, Vice President and President Elect; (standing) Margaret H. Williams, Keith D. Oberi, William R. Wright, Directors; Marcus M. Wilson, Past President; Alverno N. Castilla, Director. Not pictured are: Mark A. Chinn, Secretary-Treasurer; Albert D. Malone and Lynn R. Risley, Directors.

HINDS COUNTY BAR ASSOCIATION LUNCHEON MEETING

There will not be a Hinds County Bar Association Luncheon Meeting in December.

The next meeting will be held on February 18, 1997.
OLE MISS

It was a dreary afternoon just before Thanksgiving when I called Acting Dean Bill Champion at the Ole Miss Law School. "We want to do a HCBA newsletter column on law school activities," I said, immediately after telling him what a good choice I thought he was to serve as interim dean. "You can write that we are hoping to have a new dean in this position by the end of July," he responded with characteristic dry wit.

He went on to tell me that the law school's sabbatical visit by the American Bar Association / Association of American Law Schools is already scheduled for Spring of 1998. Associate Professor Ron Ryckhle has been appointed chair of the Self Study Committee and the committee that will part of the activity have been organized.

I commented that a difficult election choice is being presented by the ballot that pits Professor Guthrie T. Abbott against alumnae Chair Trotter for the top spot in The Mississippi Bar.

Moving into the joy of Acting Associate Dean for Administration is Sandra Cox McCarty, who I pointed out as an MC/tear alumnae. Recent graduates will remember that Sandra moved to this new slot from a position in the law library.

Professor Larry Bush has just returned from his most recent foray into the former communist republics. This time he spent a week in Romania consulting on labor law.

MISSISSIPPI COLLEGE

Earlier in the semester, I made a similar phone call to my dean, Richard Hub. He reminded me to mention that Professor Scott Norberg has moved down to the Dean's Office to serve as Associate Dean. He replaced Professor Sid Moles, who has returned to full time teaching.

New to the MC faculty this year in Assistant Professor Todd Zywicky, a University of Virginia Law School graduate. He did his undergraduate work at Dartmouth College and has a M.A. from Columbia. Immediately prior to his move to Mississippi, he was an associate with the Atlanta firm of Alston and Bird. He also has clerked for the Hon. Jerry E. Smith, United States Court of Appeals for the Fifth Circuit. His teaching will be in the business law area.

Professor Judith Johnson is heading the Consulting Group on Criminal Code Revision. The group of law professors, judges, prosecutors, public defenders, and private attorneys meets weekly to study proposed revisions to Mississippi criminal law statutes.

Professor Lee Helterington returned this fall from a sabatical spent in Nashville. Professor Bill Page was on sabbatical during the fall semester; he spent his sabbatical in residence working on his scholarly activities.

Carol West is a Professor at Mississippi College School of Law and a member of the HCBA Editorial Board.
Random thoughts and comments...

Not so many years ago, when I got my first 300 baud modem, I spent countless hours discovering the nifty things that could be done with it and a simple terminal program. A couple of years after that, I thought, like the first model T, that life could get no better than a 2400 baud modem which was made available by my software supplier.

Now, you should want to surf the net, you will find it kidscelly slow from any provider at a modern speed of less than 28.8 baud.

If you really wish to become dangerous, consider ISDN (or, to impress your friends, Integrated Services Digital Network) instead of your existing software. ISDN currently charges $200 to $300, which is a rather small price to pay for your education. ISDN will become your old friend in the same way that ISDN, a couple of years ago, was your new friend.

You can become your old friend by unplugging or replacing the monthly charge, as simple as installing Digital Network software, which includes:

- A terminal program for Windows, which includes:
  - Support for Windows, which includes:
    - Support for ISDN (or, to impress your friends, Integrated Services Digital Network) instead of your existing software. ISDN currently charges $200 to $300, which is a rather small price to pay for your education. ISDN will become your old friend in the same way that ISDN, a couple of years ago, was your new friend.

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For more, see "Timeless Advice on page 6"
Handling Domestic Abuse Cases
by Tammy G. Hartcock

Another legal goodwill reference is membership in the Domestic Relations Section of the Mississippi Bar. As a member, you will come into contact with some of the leading experts in this field. These members can be a valuable support network for advice and assistance.

A must for every attorney's Rodeo is the phone number for the Resource Center Network's 24-Hour Crisis Line (1-800-266-4198). The Resource Center Network ("RCN") provides shelter, counseling and support services for victims of domestic abuse. These services are available to anyone involved in spousal abuse, child abuse, sibling violence, violence by a child against a family, and violence against elderly family members. Some of the no-cost services include the crisis line program, shelter, step-down housing, professional counseling and therapy programs, a teens in crisis program, a child-care program, a court advisory services program, and many other valuable programs. The court advisory services program provides therapy evaluations and early interventions into domestic violence situations prior to the court system.

According to John Kendrick, Associate Director of RCN, if a family has any difficulties, the sooner the family gets good counseling services, the less you will see them in your law office and in the court system. One final piece of advice from Mr. Jones: Think very hard about practicing in this area, because you will be involved in your clients' lives. If you do decide to practice in the area, it can be tremendously gratifying to be able to use your law degrees to help people in this area.

Tammy Hartcock is a Senior Attorney with the Mississippi Secretary of State and is chair of the HCBA Women in Law Committee.

The Mississippi Bar Women's Legal Rights in Mississippi: This guide is available for purchase through the Mississippi Bar for $16.00. It is a significant source of information, covering such areas as general domestic relation laws, housing and tenancy laws, public benefits, finance, etc.

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Evelyn Gandy Lectureship

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Bar Exam Results

The Mississippi Board of Bar Admissions announced the following statistics for the Bar Examination administered on July 29-31, 1996. One hundred ninety-two had passed the bar.
HCBA Nominations Announced for '97-'98

Marcus Wilson, chairman of the HCBA Nominations Committee, announces the following candidates for office for the coming year.

Secretary-Treasurer: Harris H. Barnes II (Trip)
T. Kenneth Griffis, Jr.

Director - Post 1: Mitzi Dease Paige
Director - Post 2: Susan R. Tsimontos

Jeffrey P. Reynolds

Samuel C. Kelly

The Association's bylaws provide that any other member of the HCBA may be nominated by petition signed by not fewer than 20 members in good standing and filed with the secretary-treasurer on or before January 15.

A ballot and biographical sketch of each nominee will be mailed to each member in good standing during the month of February. To be counted, ballots must be returned to the Association and received not later than February 15.

The results of the voting will be announced at the membership meeting on February 18.

For further information please call Pat Evans at 969-6097.

Hinds County Bar Association, Inc.
151 E. Griffith Street
Jackson, MS 39201

FIRST CLASS
President's Column

Marcus M. Wilson

Throughout Hinds County, Mississippi, and the nation, violence has become more common, vicious and random. According to some reports, it may get worse. The Council on Crime in America, chaired by William Bennett and former Attorney General Griffin Bell, warns that by the year 2000, a huge increase in the number of 14 to 17 year-old males will cause violent crime to spiral out of control. These adolescents, far more dangerous and violent than the generation before, will be, in the Council's words, "like teenage wolf packs."

In a recent article in the Wall Street Journal ("The New Criminal Class," Wall Street Journal, Jan. 24, 1996, at A12, col. 3), Charles W. Colson, founder and chairman of Prison Fellowship Ministries, cites the Council's report and writes about how the youths now jamming our prisons have changed. Colson describes these young criminals as cold, remorseless, and without conscience. He quotes a prison warden: "Ten years ago, I could talk to these kids about right and wrong. Now they don't know what I'm talking about."

All young people must learn about right and wrong, including deep respect for such fundamental character traits as honesty, self-discipline, work, faith, responsibility, compassion and courage. We must be encouraged by those who are learning and developing such character. They will inherit the leadership of our community in the years to come. Many other youth, however, are in the sway of cultural forces which nurture deceit, selfishness, cruelty, disrespect, irresponsibility and hate. Our community pays a terrible price in the violence these young people breed. Unless we respond now, we will all suffer for generations to come.

As lawyers and community leaders, let's find ways to deter violence and to make Hinds County, Mississippi, and the nation a better place.

Revisions Begin on Index

Lawyers Cooperative Publishing is beginning a major revision of the General Index to the Mississippi Code. Colleen Dunham, a company representative, has been working with Mississippi lawyers over the last several months to develop the project in ways that will be most beneficial to the Mississippi Bar.

Responding to the suggestions for improving the index, LCP has targeted the 12 titles listed below for re-indexing this year. The new index aims to provide a straightforward, easy-to-use tool for finding Mississippi statutes, designed for busy researchers. All re-indexing must pass the muster of Mississippi attorneys who will review the new index and suggest alternative points of entry based on local terminology and their practical experience.

Target titles:
11 Civil Practice and Procedure
13 Evidence, Process and Juries
15 Limitations of Actions and Prevention of Frauds
17 Local Government; Provisions Common to Counties and Municipalities
21 Municipalities
31 Public Business, Bonds and Obligations
63 Motor Vehicles and Traffic Regulations
83 Insurance
89 Real and Personal Property
91 Trusts and Estates
93 Domestic Relations
99 Criminal Procedure

Mississippi lawyers are invited to "sign on" as reviewers. If you would like to participate, contact Colleen Dunham at Lawyers Cooperative Publishing Company; phone, 1-800-527-0430; fax, 1-716-258-3781; or e-mail, edunham@lcp.com.

People's Law School

Session 1 • March 19
The First Amendment

Session 2 • March 26
Access to the Legal System

Session 3 • April 2
Elder Law
Wills and Estates

Session 4 • April 9
Real Estate Law
Domestic Relations

Classes held at Mississippi College School of Law
7:00-9:00 p.m.
Four sessions $15 or $5 per session

This program is financially assisted by the Interest on Lawyers Trust Accounts Program of the Mississippi Bar Foundation, Inc.
CLE Calendar of Events

February 28
Proving and Disputing Damages in Mississippi. NBL, 715-835-7909
March 7
Annual Business Law Seminar, MC School of Law, 949-5621
March 8
Worker's Compensation, UM-CLE, 601-232-7282
March 22
Environmental Law, MTLA, 949-8621
April 17
Federal Practice and Procedures, UM-CLE, 601-232-7282
April 18
Small Estates Seminar; Structuring & Administering the Non-Taxable Estate, MC School of Law, 949-5621
April 26
Fundamentals of Chapter 13 Bankruptcy, UM-CLE, 601-232-7282
May 3
Second Annual MS Tax Law Conference, UM-CLE, 601-232-7282
May 10
Real Estate Law Seminar, MC School of Law, 949-8621
Fifth Annual Federal Practice Institute, MS Chapter of the Federal Bar Association, 949-4747
May 10
Second Annual MS Tax Law Conference, UM-CLE, 601-232-7282
May 22
People's Law School, 7:00-9:00, MC School of Law
May 26
People's Law School, 7:00-9:00, MC School of Law
April 2
People's Law School, 7:00-9:00, MC School of Law
April 9
People's Law School, 7:00-9:00, MC School of Law
April 16
HCBA Membership Meeting, Noon, Capitol Club
April 26
HCBA/JYL Law Week Dinner, 6:30, Prim's Northgate

HCBA Calendar of Events

February 20
HCBA Membership Meeting, Noon, Capital Club
March 7
After Hours Social, 5:00-7:00, Emporium Cafe
March 19
People's Law School, 7:00-9:00, MC School of Law
March 26
People's Law School, 7:00-9:00, MC School of Law
April 2
People's Law School, 7:00-9:00, MC School of Law
April 9
People's Law School, 7:00-9:00, MC School of Law
April 16
HCBA Membership Meeting, Noon, Capitol Club
May 2
HCBA/JYL Law Week Dinner, 6:30, Prim's Northgate

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Habitat for Humanity Thanks HCBA

Habitat for Humanity/Metro Jackson Board President Richard Montague presents HCBA President Marcus Wilson with a plaque to acknowledge a generous gift of $5,000 from the HCBA. The $5,000 was raised entirely by the annual HCBA Golf Tournament. The HCBA was the first organization other than a church to build a Habitat house in Jackson.

Mississippi College School of Law

Upcoming CLE Seminars

Annual Business Law Seminar
Thursday, March 7, 1996 • Ramada Plaza Hotel
6 hours CLE

Planning and Administering the Small, Non-Taxable Estate
Thursday, April 18, 1996 • Ramada Plaza Hotel
6 hours CLE

Eleventh Annual Real Estate Law Seminar
Friday, May 10, 1996 • Ramada Coliseum
6 hours CLE

For Information, Contact William R. Townsend, Assistant Dean, (601) 949-5641
HATS OFF TO GRANVILLE TATE
Granville Tate, a partner of the law firm of Bumini, Granville, Grower & Hewes, concentrates his practice on commercial transactions, mortgages and acquisitions, and real estate. Granville is married, has three children, and is an active member of St. James Episcopal Church.

Granville has also tirelessly and selflessly served as attorney for the Board of Habitat for Humanity/Metro Jackson. In that capacity, Granville has personally closing the sales of over 65 homes to Habitat homeowners. Granville has contributed many thousands of dollars worth of pro bono legal work for Habitat without fanfare of any kind.

Granville believes in helping others in order to give back to the community," says Nina Redding, executive director of Habitat for Humanity/Metro Jackson. "He is very involved in the entire process here.

The Hinds County Bar Association salutes Granville Tate for his outstanding community service.

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Have You Ever Said, "I Hate Lawyers"?

"It is worth $5.00 (the price of lunch) to be around a group of lawyers that I like," said a lawyer recently as he left the weekly book discussion group. For him, the Thursday lunch break with colleagues who enjoy looking below the surface of a lawyer's workday to explore issues and ideas was a welcome respite from the problems of his clients. The group, dubbed "Soul of the Law" after the first book selected for discussion, will reconvene on Thursday, February 22, at 12:30 to begin weekly consideration of Hillman's 'Kinds of Power.'

Hillman's thesis is that "Business, as defined by the ideas of Western capitalism has become the fundamental force in human society and, in the manner of any monotheism, promulgates a fundamentalist faith in its basic tenants." 'Kinds of Power' examines "the psychology of business" and, more particularly, "ideas about power," which "among the ideas of business...rules the roost."

The book has three goals:
• "to disturb sedimented habits of thinking about power"
• "to differentiate the bundles of ideas that compose the word 'power' and constitute its baggage;" and
• "to extend the ideas of power into regions of feeling, intellect, and spirit that reach beyond the exercise of power by the human will."

These topics flow naturally into discussions of the nature and influence of power in our justice system. The relationships of these goals to the "business" of practicing law will surely spark lively and provocative discussions.

The discussion will be facilitated by Steve Allen of Phelps Dunbar. If you want to be part of the group, call Betty Dargherty at The Bar Center, 948-4471, for more information. The atmosphere is cordial and convivial, the conversations spirited and insightful. Join us! Who knows, you might meet a lawyer you can actually like?

Law Firm Updates

In the new HCBA Pictorial Directory, please correct Larry Yarbrough's phone number to 948-3080 and Call First is not needed for his fax number.

J. Kullman, Inman, Bee, Downing & Banta
2160 Deposit Guaranty Plaza
210 East Capitol Street
Jackson, MS 30901
601-353-1994

Kullman, Inman, Bee, Downing & Banta, P.C., of New Orleans has opened a Jackson office at 2160 Deposit Guaranty Plaza. The Kullman firm limits its practice to labor and employment law on behalf of management. The 80-attorney firm has other branch offices in Memphis and Birmingham. Mike Farrell, formerly with Wells, Moore, Simmons & Neeck, is the resident attorney in the new Jackson office.

W. Wiener & Wiener
P. O. Box 25728
Jackson, MS 30906-5728
601-353-4444 (Fax)

Joshua J. Wiener and Judith M. Wiener, Attorneys at Law, are pleased to announce the relocation of their office to 1438 North State Street, Jackson, Mississippi 30902.

If there are law firm updates you would like to have in the newsletter, send them to: HCBA/Newsletter, 131 East Griffith St., Jackson, MS 30901.

Christmas Social

HCBA members and guests enjoyed the December 7 Christmas Social at the Mississippi Bar Center.
Justice Michael P. Mills
by Jeffery P. Reynolds

Justice Michael P. Mills is a seventh-generation native of Itawamba County. The "Clay Hills Justice" graduated from Itawamba Agricultural High School in 1974, after attending primary and secondary schools in Tishomingo, Luke and Fulton. He attended Itawamba Community College and graduated from the University of Mississippi in 1978 with a bachelor's degree. He received his Juris Doctorate from the University of Mississippi Law School in 1980.

Mills practiced law in Monroe and Itawamba Counties until 1995 when he was appointed to the Mississippi Supreme Court to fill the unexpired term of Chief Justice Annis Hawkins. Mills served 12 years in the Mississippi Legislature. He held the positions of Chairman of the Judiciary "A" and Judiciary "B" caucus members. He is a Commissioner on the National Conference of Commissioners on Uniform State Laws and he is a member of the Mississippi Bar and the Federalist Society. He has practiced before the United States Supreme Court, the Fifth Circuit Court of Appeals, and all Mississippi state and federal courts. He is a member of the Scottish Rite.

Justice Mills has authored many significant laws. For example, he authored the law that created the Court of Appeals and the law that created the Administrative Office of the Courts. He authored the legislation redrawing the districts for the chancery and circuit courts and his plan was approved by the United States Justice Department. Furthermore, he was the chief architect of the 1993 tort reform legislation.

Justice Mills said that although he has not served long on the Supreme Court, he would have two pieces of advice for practitioners: (1) give an honest rendition of the facts, and (2) be professional in dealing with counsel opposite.

Jeff Reynolds is Chairman of the Board and Bar Relations Committee of the Hinds County Bar Association, and a shareholder in the law firm of Heidelberg & Woodruff, PA.

Interview with Secretary of State Eric Clark

Eric Clark of Taylorsville is Mississippi's seventh Secretary of State this century. This interview with the new official was conducted by his brother, HCBA member John Clark.

Eric Clark of Taylorsville is Mississippi's seventh Secretary of State this century. This interview with the new official was conducted by his brother, HCBA member John Clark.

Why did you want to become Secretary of State?

Being Secretary of State is a perfect job for me. My education, business experience and public service prepared me to understand this office and how it can better serve all Mississippians. I have always fervently advocated the importance of open, honest, accessible elections to our democracy. As Secretary of State, I can see that every person's vote counts. I have long been an advocate for improving Mississippi development. This office interfaces with all business community activity in the state. Much of our legislative career was devoted to enhancing public education, and the schools' 16th section land-welfare comes under the Secretary of State's purview. I managed our family's rice farm; this office manages over three million acres of publicly owned lands. I have written a better job description for myself than being Secretary of State.

What changes do you plan to implement in the agency?

As I said during the campaign, I plan to make the Secretary of State's Office the most user-friendly agency in state government. I have already improved that vision to our management and employees, and they are proving our eagerness to respond to the public in a friendly manner. I am encouraging employees to implement changes that will increase our efficiency and effectiveness. We will continue to upgrade our technology so that the public will use day have electronic access to our documents. We are acting every day to implement this customer-first philosophy. I especially want the public to know that we want to hear their ideas, suggestions and any problems associated with service delivery from our Office.

How do you plan to increase efficiency in serving the legal community through your office?

The Business Services Division of this office already has a good reputation for providing sound information and service to the legal community. However, all of us in the Secretary of State's Office are challenged every day to meet higher standards because of greater work loads and advancing technology. We plan to make all available technology to help us provide the fastest and most accurate information. I believe this increased efficiency will benefit the legal community, and it will free employees to take on more varied tasks — another benefit.

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What changes do you plan to implement in the agency?

As I said during the campaign, I plan to make the Secretary of State's Office the most user-friendly agency in state government. I have already improved that vision to our management and employees, and they are proving our eagerness to respond to the public in a friendly manner. I am encouraging employees to implement changes that will increase our efficiency and effectiveness. We will continue to upgrade our technology so that the public will use day have electronic access to our documents. We are acting every day to implement this customer-first philosophy. I especially want the public to know that we want to hear their ideas, suggestions and any problems associated with service delivery from our Office.

How do you plan to increase efficiency in serving the legal community through your office?

The Business Services Division of this office already has a good reputation for providing sound information and service to the legal community. However, all of us in the Secretary of State's Office are challenged every day to meet higher standards because of greater work loads and advancing technology. We plan to make all available technology to help us provide the fastest and most accurate information. I believe this increased efficiency will benefit the legal community, and it will free employees to take on more varied tasks — another benefit.

Mississippi College School of Law
Christian Legal Society
Annual Prayer Breakfast
with Judge Antonin Scalia
Associate Justice United States Supreme Court
Tuesday, April 8, 1996
7:30 a.m.
First Baptist Church

For information: 949-5620
Tickets $10

Interview with Secretary of State Eric Clark

Eric Clark of Taylorsville is Mississippi's seventh Secretary of State this century. This interview with the new official was conducted by his brother, HCBA member John Clark.

Why did you want to become Secretary of State?

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individuals come under the same reporting restrictions that candidate committees are currently under - we have a dual system of enforcement now, and we're trying to level the playing field for everybody involved.

Technology has grown tremendously over the past four years. How do you intend to integrate the latest technology into your plans for the Secretary of State's Office? Obviously, increased use of available technology will enable us to expedite the required filings and registrations with this Office - and we are quickly moving to make use of this technology. Soon, we will complete an imaging project in our uniform commercial code services section that will result in faster, more accurate delivery of responses to search requests. We are beginning work on a Web page which will include the information most users ask from this agency - election information, corporate filing information. We plan to have our filing forms available for downloading which should help expedite paperwork for everybody involved.

Eric Clark can be reached at 399-1330. His office is located at 104 Mississippi Street, the Herb Taher Building, across from the capitol. His mailing address is P. O. Box 136, Jackson, MS 39205. The Secretary of State welcomes suggestions and ideas which will help his office run more efficiently and effectively.

In Memoriam

The Hinds County Bar Association wishes to extend its sympathy to the families of Craig Geno, Jr. and Robert Morgan, Jr.

MISISSIPPI VALLEY TITLE INSURANCE COMPANY

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UNTIL NOW, TITLE COMPANIES WERE ABOUT AS EASY TO COMPARE

These days, a lot of title companies claim to be financially sound. But in the end, what they promise and what they actually deliver are two different things. Fortunately, there are ways to make sure you're getting a fair deal.

A. Call the Mississippi Title Association. They've got a compilation of basic information about all the title companies in Mississippi. They'll tell you which ones provide the best service and which ones don't. They'll also give you a list of their members, along with contact information.

B. Check out the Mississippi Title Association's website. They've got a lot of information there, along with links to other resources, like the Greater Mississippi Title Association.

C. Contact the Mississippi Title Association directly. They're happy to help you find the right title company for your needs.

Lawyers and Client Selection

We all know that in this age of specialization, lawyers tend to be selective. To which kinds of cases they will take. However, lawyers tend to spend too little time on selecting their clients. Lawyers often take any client who comes through the door out of the fear of losing business. However, in order to avoid trouble down the road, lawyers, during the first telephone call or office visit, should size up the client and make a decision as to whether or not this is a client that the lawyer wants to represent.

In the October edition of Law Practice Management, a publication of the Law Practice Management Section of the ABA, there is an excellent article by Linda J. Ravdin, a Washington, D.C. attorney, relating to the collection of fees. She suggests that the first step in collecting fees is to determine whether or not a particular client's case. She offers the following dangers signals that every lawyer must be aware of:

1. When the client's first question is, "How much do you charge?"
2. When you learn that the client has switched lawyers several times, it should be a signal that the client has unreasonable expectations and will eventually find fault with the lawyer's work.
3. If, after your hourly rate is $150 per hour, the client tells you there is someone else out there who will do the same job for $100 per hour, you have reason to be suspicious.
4. When, during the initial phone call, the client insists on giving you the entire story followed by a request for legal advice before agreeing to come in for an office visit, you have reason to be suspicious.
5. A client who thinks it is unreasonable to pay a retainer.
6. The client who still owes his or her previous lawyer money.
7. The client who appears to be very demanding but does not appear to be willing to pay for services.

Library Committee

Members of the HICSA Library Committee are (seated) Linda Thompson, Carol West, Board Liaison; (standing) Darrel Race, Vice-Chair; Vernon Chadwick, Chairman; Bob Ilgen. Committee members not pictured are Raul Huque, John Sneed and Andrew Staut.

The client who demands that the lawyer predict the outcome and cost of a case when predictions cannot be made.

The client who, after learning of the estimated cost of handling a matter that is complicated, merely asks you to keep it simple.

The client who is never satisfied regardless of the quality of the legal work.

The client you find just doesn't like.

William R. Wright is the chairman of the HICSA Legal Committees and a partner of the Wright firm.
Join the Hinds County Bar Association for an After Hours Social at
The Emporium Cafe
400 East Capitol Street
Thursday, March 7, 1996
5:00 - 7:00 p.m.
Open Bar • Hors D’oeuvres • Spouses Invited

Please mark your calendar as individual invitations will not be mailed.

Hinds County Bar Association, Inc.
151 E. Griffith Street
Jackson, MS 39201

FIRST CLASS
President's Column

T. Harris Collier, III

At a recent meeting of the HCBA's Long Range Planning Committee, Phyllis Thornton, Director of the Pro Bono Project, presented some startling statistics. In Mississippi, there are more than 800,000 people eligible for pro bono services. In Hinds County alone, there are 60,000 people eligible for pro bono services.

We in Mississippi, as in other states, have relied upon the Legal Services Corporation for much of our pro bono work. Cutbacks in federal funding have reduced the LSC's operating budget by nearly 50%, and the long term future of the LSC remains uncertain. In Central Mississippi, legal services offices have been reduced from three to two and attorneys have been cut from nine to six.

The April issue of The Washington Lawyer reported that providing legal services to the poor in Washington, D.C. has reached crisis proportions. Law firms there have gotten together to try to resolve the problem. While I don't think we have reached a crisis situation locally, the HCBA does need to be prepared.

In anticipation of further funding cutbacks for the LSC, I have appointed Ben Piazza to chair a committee to explore options in providing legal services to the poor. Some suggestions made by Phyllis to help out: 1) pay money if you don't have time, 2) conduct fund raisers for local legal services, 3) underwrite training for legal service lawyers, 4) provide Westlaw or Lexis for legal services and 5) encourage all lawyers to do pro bono work.

Thanks to Lt. Gov. Ronnie Musgrove for speaking at the HCBA's dinner honoring the judiciary on May 2. If you missed the event, make plans to attend next year.

The Lawyer Referral Service is entering its second year of operation. This will be a critical year for the LRS because it is expected to become self-supporting. The LRS gets some of its income from membership fees, but its main support will come from contingency fees. This year's budget is based on 125 attorney members. If you would like to become a panel member, fill out and send in the application found in the newsletter.

I look forward to the challenge of serving as your HCBA president. Thanks, Marcus, for your leadership and service.
The public figures of today are O.J. Simpson, the Menendez Brothers, Dr. Kevorkian, Johnnie Cochran, F. Lee Bailey, Robert Schapira, and others. If daily news reports on legal happenings are not enough, we now have a court channel on TV which devotes itself exclusively to reporting of legal proceedings.

Historically, the moral fiber of American society was influenced dramatically or subtly by religion, spiritual notions. We have always considered ourselves in some vague way to be a religious nation. A recent Gallup poll advises that for the period from 1957 to 1994, the percentage of people who polled that religion has no relevance to today's problems has grown from 18% to 36%. During that same period of time we have substantially increased our dependence upon the judicial system to tell us the morals of our society. We are completely ensnared of litigation. One wordless of the American slogan "In God We Trust" has not been replaced by SUE THE BASTARDS.

Where is the lawyer in all this? The love/hate relationship continues. Abraham Lincoln said on July 1, 1859:

"There is a vague popular belief that lawyers are necessarily dishonest. I am very anxious, because when we consider to what extent competence and honor are expected in and conferred upon lawyers by the people, it appears impossible that their improvement of dishonesty is very distinct and vivid. Yet the impression is common, almost universal. Lincoln's counterparts apply today. Slanderous remarks, some humorous, some not, abound. "Kill all the lawyers", the popular misquotation of Shakespeare; "my lawyer can beat your lawyer", "trust me, I'm a lawyer" are displayed on T-shirts, coffee mugs, and papers. The one I like the most is the statement "I THE TITLES A CHRISTIAN LAWYER AN OXYMORON?" I like it the best, because I said it.

In April of 1995, I wrote to the Christian churches and the synagogue listed in the Jackson yellow pages, some approximate 250 churches. The first thing I learned is that an alarmingly large number of cases, the addresses reflected in the yellow pages were considered insufficient by the postal authorities and the letters were returned. I'm sure that has some theological significance. If you are insufficient in the eyes of the postal authorities, how must you appear to God? The second thing I learned is that no one cared to answer or discard the letter as I received no responses. That is, unless the invitation a year later to speak today is such a response. The Lord has been known to operate in mysterious ways.

Let me share the letter with you:

"The first week in May is set aside nationally for recognition of the American legal system as the beast in the world... We should rightfully celebrate our legal system. May I suggest that you use this opportunity to call upon the lawyers in your congregation to also affirm and celebrate the relationship between our Christian faith and the manner in which they conduct their practice of law. I have attached my personal statement on that subject for consideration."

The attachment read:

"We are Christian attorneys, not attorneys and Christians. One person, not two. There is nothing in our legal system and laws inconsistent with conducting our lives and our practice of law in accordance with Christian principles. We should be governed by Christian principles in our relationship with clients, other attorneys and their clients, the judicial system and all of society. We should recognize and foster the relationship between our Christian witness and the manner in which we practice our profession."

A slightly different version went to the synagogue.

Christianity and the lawyer have much in common. Both have been per
secured, and both have the capacity to be the catalyst for change. Christianity is the belief in one who, among other things, was persecuted by reason of his confession of being a Christian. Lived in this. This is the same as the Christian Church that it is claimed that the Christian Church. The Church is the Church of the Christian Church. The law is the rule of the Christian Church.

The lawyer might view his client more as a human being rather than simply another file. He might bring compassion to the representation.

Most importantly, the lawyer might become more of a problem solver rather than the advocate who proclaims the problems of the area in dispute. The lawyer might "see Jesus in the face of his adversary," a haunting suggestion made by one of my law partners to a younger lawyer having difficulty with the current level of incivility existing in our judicial system.

This image, "seeing Jesus in the face of my adversary," might dramatically change the character of the interaction between the parties as they attempt to resolve the dispute at hand. The lawyer might consider working toward reconciliation rather than vindication.

The lawyer might fit the description written by Alexander Stephens, a lawyer, U.S. Congressman, and the Vice President of the Confederacy who wrote in his diary while imprisoned after the civil war: "A good lawyer is one who is able to make a good case. The tangled web of the party’s opinions, the opinions of the parties, the facts of the parties, and the facts of the parties, all combined to make a good case."

A few years before, Stephens’ good friend, Abraham Lincoln said this to say on the subject: "Don’t let the politics of the day get in the way of what you’re trying to say."

A Christian lawyer fits the following comment made by a lawyer: "I know of no asset a lawyer can have which will contribute so much to a legitimate and successful success as the assurance of the confidence of the people that he can be trusted always to do the decent thing."

A Christian lawyer will continue its love/hate relationship with the lawyer. Nevertheless, society expects the lawyer to defend a Christian lawyer. If this can be done in the same way, I wish for you a strong constitution and a temperament that you continue to SUSTAIN THE BASTARDS. If a Christian lawyer, I wish for you that which you will need, the support of St. Ives, Sir Thomas Moore, the whole Community of Saints, but most of all, the peace of God to sustain you. Peace.

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The Mississippi Library Commission Patent and Trademark Research Library was designated by the U.S. Patent and Trademark Office to make information more readily available to users. Although inventors are our most frequent clients, attorneys working on patent applications or infringement cases also make use of the collection. Advertising agencies regularly use the trademark files, and local companies find new products and processes in the patent files. Even antique collectors call upon us to help identify objects.

Resources in the collection are sufficient to conduct preliminary searches of U.S. patents and trademark registrations. The PTRL staff will provide an orientation and will take users through a sample search. A search should be conducted at an early stage to help determine if the idea might infringe on an existing patent or trademark.

After conducting a search, users can review patents in the Official Gazette, the weekly announcement of new patents, or they can see the full text and drawings of any U.S. patent since 1790 on microfilm. Requests for specific information, such as a copy of a patent or a trademark registration, may be accepted over the phone, but generally the user is best served by performing the search on the premises, where all the results can be seen and search strategies can be altered.

The Patent and Trademark Research Library staff is strictly prohibited from interpreting intellectual property law, offering legal advice or opinions, or performing patentability searches or trademark registration searches for users.

Briefly, patent searching involves several steps. Begin with a clear understanding of the invention and a list of keywords which describe it. Second, identify classification numbers. All patents are classified in a complex numerical classification system which groups inventions with similar characteristics. Third, generate lists of possibly relevant patents. The searcher should review each patent, checking for similar features found in the claims, drawings, and other technical disclosures. The object is to discover whether the invention has already been patented.

In addition to patents, searches also have access to files of currently registered U.S. trademarks since 1884 and limited access to "dead" marks. Trademarks can be searched by using a word or phrase, logo description, registrant, or classification of goods or services. Clients putting new products or services on the market should at least conduct a preliminary search to determine if the mark is already registered. The Official Gazette Trademarks and other sources are used to see logos and graphics.

The PTRL collection includes CASSIS, an electronic search and index system for patents and trademarks produced by the U.S. Patent and Trademark Office, microfilm files of patents back to 1790, five Patent Satellite Libraries around the state (Tupelo, Starkville, Greenville, Natchez, and Gulfport) have the basic patent search sources, and some will be getting the trademark sources. Users are encouraged to schedule an appointment with us or at any of the five public libraries.

For more information contact the Patent and Trademark Research Library, Mississippi Library Commission, 1221 Ellis Avenue, Jackson, MS 39209-7238; phone 601/526-1006; FAX 601/537-2667; internet mlcre@wrlc.lib.mn.us.

Tom Henderson is Depository Services Coordinator with the Mississippi Library Commission.
To escape beyond the old character-based limitations, the browser uses a new brand of multimedia document format called Hypertext Markup Language (HTML) to structure a corresponding network protocol known as Hypertext Transfer Protocol (HTTP). And the browser has the capability to run multimedia sound and light at impressive speed.

The combination of HTTP and HTML effectively allows interactive online multimedia publishing. Moreover, hypertext documents can refer to multimedia, among many others, as well as to current application data. As a result, you can search and browse your accounting experts' database at any time.

As always, reading about the Web isn’t nearly as much fun as doing it. If you don’t already have access:

1. America Online and CompuServe, among many others, are excellent ways to start, given their books of free software and online time on an introductory basis. Beware, however, of bundled billions; in the long run, you’ll want a local net provider who offers unlimited online time at very reasonable rates (try $10.95 a month).
2. Try it: you’ll get a real eye-opener.

Questions or comments? Drop me an email at 76061,03029@compuserve.com. Hopefully, by the next issue you can even get your home page, which is under development.

During the early years of this century, the Mississippi State Bar Association was a voluntary organization to which an attorney could petition for membership if entered by two members and approved by an executive committee. The State Bar was not a single screen, as a computer stores its data on a hard disk. Even closer to a computer was the small device called a mouse. The device was accessed by its mouse-dick can be placed at any point on the surface of the table, and the device will read the mouse’s position on the surface of the table.

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All of our experience is directly relevant to your need for professional excellence from your accounting experts. Our services include expert witness testimony at depositions and trials, trial assistance relating to opposing experts, consultation on litigation options and approaches, support during the discovery process, damage analysis and review, investigative auditing, forecasting of economic losses, fraud audits, asset searches and tracing of funds.

Search Continues For HCBA History
By Linda A. Thompson

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Ten Rules for Avoiding Bar Complaints
by William R. Wright

The thought of receiving a certified mail from the Mississippi Bar Association is enough to invoke that nauseating feeling in the pit of a lawyer's stomach. Bar complaints create even more nauseating meals than a notice of delinquency from the Internal Revenue Service. Serious bar complaints — for the most part — can be avoided by following ten basic rules which are continuously violated by members of the Bar.

1. Return your phone calls. From September of 1994 through April of 1996, the Consumer Assistance Program of the Mississippi Bar reported the disposition of 2,139 docketed cases. By far, the biggest complaint — 35% of all cases — was related to failure of the attorney to contact the client. Even though we lawyers receive an overwhelming number of phone calls on a daily basis, calls should be returned within 24 hours either by the attorney or someone in the office.

2. Keep the client informed. Clients must know everything that is happening in their case. We have been told countless times in seminars to make sure a client gets a copy of everything that comes in or goes out of the office relating to the client's case. This includes pleadings, correspondence and memoranda.

3. Disclose the fees at the outset. Again, this is basic. In the initial conference with a client, the client should be told everything regarding the attorney's fees, including how the lawyer charges, expenses, when payment is due, etc. And, of course, the agreement regarding the fee must be reduced to a written agreement. The written agreement should generally not include an estimate of a total amount to be charged unless the lawyer is working on a fixed fee basis.

4. Bill the client regularly. Clients do not want to be surprised. They should be sent a statement on a monthly basis which includes all fees for services rendered and costs advanced. It is difficult for the client to dispute the final amount after having received regular monthly billing statements throughout the course of representation. Remember, monthly bills should be sent even when there is a credit balance.

5. Encourage the client to communicate when there are problems. At the first meeting, the client should be told that any problems he or she has with the attorney must be communicated as soon as they arise. If the client is upset, you should be informed so you will have an opportunity to explain what he or she is upset about.

6. Calendar everything. This is another basic tool for attorneys. Everything must be calculated. Remember, no one is defense to a bar complaint when the statute of limitations has been blown, a deposit date missed or a hearing missed.

7. Clients should be introduced to associates and paralegals. If the attorney plans to use other personnel in the office and bill for their services, it is important that the client personally know who is working on the case. Make sure there is an agreement that there may be additional bookkeepers working on the case.

8. Avoid conflicts. If in doubt, don't. If you have a funny feeling that a case may create a conflict — either with a client or an issue — chances are there is a conflict. Where there are minor conflicts, problems can be resolved by the execution of written waivers prior to commencing representation.

9. Beware of the client who creates unnecessary. If, during the first few minutes of the initial conference with a potential client, you realize this person could drive you nuts or create a need for strong drugs, don't take the case. There is no larger human being to represent a genuine nut. Voiced another way, don't take the care when you simply do not like the client.

10. Close the case. At the end of your representation of a client, all loose threads need to be tied together. Depending on the type of case, you may have to prepare, deeds to have executed and correspondence to send out. The client is not going to know how to tie up the loose ends and expects you to take care of them. There are other rules to follow, of course. But, if we all follow the ten rules cited in this article, the chances of receiving a grievance will be drastically reduced.

ENTREPRENEUR

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HINDS COUNTY BAR ASSOCIATION 1996 - 1997

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Fourth Annual Golf Tournament
The HCBARYL Golf Tournament has been scheduled for Friday, August 23, at Deerfield Country Club. This will be the fourth year for the project which has benefited Habitat for Humanity. Last year’s tournament contributed $3,000 to Habitat.

The event is being planned by committee members: Mark Chinn, chairman; Karen Feree, vice-chairman; Debby Alliger, Harris Collier, Kenney Griffin, Mike Maloney, Ron Piazza, John McCoolidge and Keith Ober.

HBAA Budget 1996-1997

TOTAL INCOME $134,660

INCOME BUDGET
CLE $3,000
Grants $5,000
Internal Funds 1,000
Loyalty Program 1,000
Memorial Luncheon Fees 4,500
Miscellaneous 150
Newspaper Ads 2,500
Perpetual Law School 1,000
Secretarial Placement - Golf 10,000
TRAVEL EXPENSES
Income: $11,000
TOTAL INCOME $134,660

BUDGET 
ARB Conference 4,900
Bar Lunches 1,700
CLE 1,000
Clerk: Functions 400
Committee Luncheons 1,000
Convention 1,000
In-Travel 450
Insurance 300
Low Office Survey 500
Low Week Dinner 6,000
Loyalty Program 1,000
Management Services 19,500
Memorial Society 1,300
Membership Committee 4,500
Miscellaneous 900
Newspaper 3,000
Perpetual Law School 1,000
Pension 3,000
Printing: Supplies 3,500
Secretarial Placement 3,000
Social: Christmas 4,500
Telephone 750
Travel: Expense 10,000
TOTAL EXPENSES $134,660

Hinds County Bar Association
1996 - 1997
Bar Exam Results

The Mississippi Board of Bar Admissions announces that sixty candidates passed the February 1996 Bar Examination. This includes fifty-six examinees applying for initial admission plus four attorneys from other states seeking reciprocal admission in Mississippi. Thirty-five graduates of the two Mississippi law schools took the exam for the first time; of these, twenty-six (74.3%) were successful.

The Mississippi Bar Examination is administered by the Mississippi Board of Bar Admissions, a nine member Board appointed by the members of the Mississippi Supreme Court. All persons seeking admission to practice law in Mississippi must take and pass a written examination administered by the Board. The examination for initial admission presently consists of two days of essay examinations and the one-day Multistate Bar Examination, which is administered simultaneously in approximately forty-six states. Attorneys from other states eligible for reciprocal admission must take a one or two day essay examination on subjects relevant to practice in Mississippi.

Since 1984, all applicants for initial admission to practice in Mississippi must be graduates of law schools approved by the American Bar Association.

Hinds County Bar Association, Inc.
151 E. Griffith Street
Jackson, MS 39201

FIRST CLASS
President’s Column

T. Harris Collier

More than 100 members of your association participated in the HCBA/JYI Golf Association held at Colonial Country Club-Deerfield on Friday, August 23. Proceeds from the tournament will go to the Mississippi Volunteer Lawyer Project. Thanks to all the hole and prize sponsors for their generous contributions. Tournament winners are listed in the newsletter. Thanks also to the Golf Committee for making this event possible: Mark Chinn, Chairman; Karla Pierce, Vice Chair; Kenny Griffis; Ben Piazza; Stuart Kruger; Mike Maloney; Keith Ohert and Debbie Allen.

Your Legal Economics Committee is conducting a Law Firm Economic Survey of law firms with five or more attorneys. The committee is working in conjunction with Graitham, Randall, Muns & Company, CPA’s, for the preparation of the survey and compilation of its results. Participant’s answers are confidential and results will only be shared with those firms that participate. I encourage your firms’ support in this survey.

It was a pleasure having Boyce Holleman as our speaker at the August membership meeting. I have heard many favorable comments about his speech. While entertaining, he also pleaded for a return of professionalism and civility among lawyers. He told of a recent incident where one lawyer invited the opposing lawyer to “step out in the hallway” to settle their differences during the taking of depositions. It is our responsibility as attorneys to maintain professionalism and civility in our practice.

August Membership Speaker

Gulfport attorney, Boyce Holleman, was the speaker at the August Membership Meeting. He is pictured with Mrs. Holleman, Harris Collier, HCBA President, and Trip Barnes, HCBA Program Chairman.

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Law Office Technology: How One Lawyer Uses a Computer
by Richard Montague

(Edmar’s Note: We have two articles on law office computing in this issue, one by Joel Howell, who apparently knows a great deal about computers, and one by me. If you would like to share with us what you do with computers in your office, please let me know.)

Unless you’ve been sleeping during the last ten years, you have witnessed a revolution in the use of computers in the delivery of legal services. The evolution continues at an ever increasing pace. I wonder if there is a law office in the Metro Jackson area without a computer.

Ten years ago, I was the equipment committee for a seven lawyer firm. I was responsible for purchasing new word processors. The firm bought one extra which sat on my credenza while I made my first of several attempts to become computer literate. As soon as we added a new secretary, that first computer was gone from my office. I think that in the six months or so that I shared space with that computer, I actually printed a document that I prepared. I did not get a new computer for about five years.

"Every law office should have a grayscale flatbed scanner.”

Today, I am typing this text myself on my laptop, which is actually sitting on my lap. What a concept. My laptop is wired to my secretary’s computer, on which I still electronically type this text unless I am finished. My computer is also plugged in to a telephone line through which I will electronically fax these words to Maralrea Thatcher at Graphic Revisions, who does such a tremendous job getting this newsletter printed every other month. I will not produce a paper copy in my office, although I could because I am wired to my secretary’s printer. My computer is connected to the internet through a dedicated telephone line. I have an e-mail address that I rarely use (montagetherelink.net). I spend way too much time jumping from one internet site to another through hypertext links. I have a small law library on compact disc (CD) and a cd-rom drive (a place to put the CD so the computer can read it) built into my laptop. My laptop also plays musical CDs. When writing a brief or letter opinion, I can copy text from cases that are stored on a CD or downloaded from Westlaw and insert the text into the document I am producing, all without getting out of my comfortable office chair. I also play solitaire, tennis, golf, and blackjack.

Who knows what we will be doing with computers ten years from now? One trend is the increasing use of computers in the presentation of evidence in court. Another trend is the increasing use of computers for remote communications. Luckily for us we don’t have to guess where the information revolution will take us.

We have scouts like HCBA member Joel Howell, who is willing to venture into unknown electronic territory and share their experiences and insights with the rest of us. Joel has written several excellent articles on computers and law practice for the HCBA News. His writing on computers may contain the most practically helpful and concise advice about effective use of computer technology in the delivery of legal services that you can find in any publication. This month’s message: no law office should be without a grayscale flatbed scanner. Oops, I don’t have one. See you at the office supply store.

Now, why I wonder how my e-mail works...?
Supreme Court Adopts New Pro Bono Rules
by Ben Piazza

On September 12, the Mississippi Supreme Court on petition of the Mississippi Bar amended Rule 6.1 of the Mississippi Rules of Professional Conduct by adopting the following Rule and Comment. The new Rule is based on Rule 6.1 of the ABA Model Rules of Professional Conduct.

Although the new Rule is aspirational, it makes clear that every lawyer has an ethical responsibility to annually provide at least fifty (50) hours of pro bono legal services.

In addition to quantifying the minimum number of pro bono hours expected, the biggest change in the new Rule is that "professional activity" of the 50 hours are to be provided not only directly to indigent persons or to organizations on behalf of indigent persons. The new Rule allows a lawyer to discharge his pro bono obligation by providing legal services to public service or charitable groups or organizations, unless such services would be on behalf of indigent persons. Additional pro bono services could be provided to individuals or organizations to protect civil rights or liberties, by reduced fees to persons or limited means, or participation in bar activities.

The Comments to the Rule recognize that it will not always be feasible for an individual lawyer to provide direct pro bono legal services, and as an alternative, he is allowed to provide the equivalent financial support to legal aid organizations.

The Comments also note that a lawyer may further fulfill the pro bono responsibility to legal aid organizations by supporting the members of the bar who perform pro bono responsibilities. Although the Rule now sets forth a specific standard for a lawyer's pro bono responsibility, it is not intended to be enforceable through the Mississippi Bar's disciplinary process.

Anyone who would like information on how they can meet their pro bono obligations should contact Phyllis Thornton, Executive Director of the Mississippi Volunteer Lawyer Project (formerly known as the Pro Bono Project) at 948-7346.

Role 6.1 Voluntary Pro Bono Public Legal Service

A lawyer should aspire to render at least (50) hours of pro bono public legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

(1) persons of limited means, or

(2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations to protect civil or religious rights, civil liberties or public organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deprive the individual or organization of economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Comment:

Every lawyer, regardless of prominence or professional work load, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of any lawyer. All lawyers are urged to provide a minimum of 50 hours of pro bono services annually.

It is recognized that in some years a lawyer may render greater or fewer hours than the annual standard specified, but, during the course of his or her legal career, each lawyer should render on average per year, the number of hours set forth in this Rule.

Services can be performed in civil matters or in criminal or quasi-criminal matters for which there is no government obligation to provide funds for legal representation, such as in conviction death penalty appeal cases. Paragraphs (6)(1) and (2) recognize the critical need for legal services that exist among persons of limited means, by providing that a substantial majority of the legal services rendered annually by the lawyer to the disadvantaged by furnished without fee or expectation of fee. Legal services under these paragraphs consist of a failure to perform activities, including individual and class representation, the provision of legal advice, legislative lobbying, administrative assistance in the provision of free training or mentoring to those who represent persons of limited means. The variety of these activities should facilitate participation by government attorneys, even when restrictions exist on their engaging in the private practice of law.

Persons eligible for legal services under paragraphs (6)(1) and (6)(2) are those who qualify for participation in programs funded by the Legal Services Corporation and those whose incomes and financial resources are sufficiently above the guidelines utilized by local lawyers, but nevertheless, cannot afford counsel. Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women's shelters and food pantries that serve those of limited means. The term "governmental organizations" includes, but is not limited to, public protection programs and sections of governmental or public sector agencies.

Because service must be provided without fee or expectation of fee, the intent of the lawyer to render free legal services is essential for the work performed to fall within the meaning of paragraphs (6)(1) and (6)(2).

Accordingly, services rendered cannot be considered pro bono if an indicant fee is not paid, but the award of statutory attorney's fees in a case originally accepted as pro bono would not disqualify such services from inclusion under this section. Lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono public legal services exclusively through activities described in paragraphs (6)(1) and (6)(2), to the extent that any hours of service remain unfilled, the remaining commitment can be met in a variety of ways as set forth in paragraph (6)(6). Consensual, statutory or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in paragraphs (6)(1) and (6)(2).

Accordingly, where restrictions apply, government and public sector lawyers and judges may fulfill their pro bono responsibility by performing services outlined in paragraph (6)(6).

Paragraph (6)(6) includes the provision of certain types of legal services to those whose incomes and financial resources place them above stated means. It also permits the pro bono lawyer to accept a substantially reduced fee for services. Examples of the types of issues that may be addressed under this paragraph include First Amendment claims, Title VII claims and environmental protection claims. Additionally, a wide range of organizations may be represented, including social service agencies, research, cultural and religious groups.

Paragraph (6)(6) covers instances in which attorneys agree to and receive a modest fee for furnishing legal services to persons of limited means. Participation in judicial pro bono appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this section.

Paragraph (6)(7) recognizes the value of lawyers engaging in activities that improve the law, the legal system or the legal profession. Serving on bar associations committees, serving on boards of pro bono legal services, taking part in Law Day activities, acting as a continuing legal education instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities that fall within this category.

While the provision of pro bono legal services is a professional responsibility, it is the individual's commitment to do a real and substantial number of hours of service that is meaningful. Therefore, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times a lawyer may discharge his pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means.

Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided. In addition, it should be more than a mere token that the lawyer would recognize as a way of discharging some of his professional obligation.

Because the efforts of individual lawyers are not enough to meet the need for free legal services that exist among persons of limited means, the government and the profession have institute additional programs to provide those services. Every lawyer should voluntarily support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono services is not feasible.

The responsibility set forth in the Rule is not intended to be enforced through disciplinary process.

Ben Piazza is a former president of HCRA and a consultant with Watkins, Ludlum, & Stearns, PA.

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Chancellor Stuart Robinson by Bob Grenfell

Judge Robinson had a number of comments concerning trial practice not only in his court, but in other judges' courts as well. Judge Robinson commented that lack of organization and coordination among lawyers, clients, and judges lead to some of the most common problems.

One of the most obvious abuses occurs during the discovery process. "Most of the excess cost of litigation is caused by flagrant abuse of the discovery process," he said. "What I have found in most cases is that the duration of the process goes hand in hand with the amount of money one or both parties have. If both parties are 'broke,' there won't be much discovery. One way I sanction lawyers for knowingly abusing this power is to discount the fees they request by their excessiveness in their discovery." Robinson noted that pre-trial communication between lawyers of opposing sides is imperative in order for the hearing to move as quickly and painlessly as possible. "I almost always call the attorneys in for a short conference before the hearing starts and expect them to have conferred with each other and have established the critical issues of the case. I realize that sometimes a client refines 'going to battle' and wants to hear a judge say yes or no right away; however, the two lawyers should try to agree on as many issues as possible.

Once those critical issues have been established, the attorney should try to focus on these issues. According to Robinson, however, this is not always the case: too often lawyers have everyone's time asking redundant or irrelevant questions that clutter the record, in hopes of stumbling upon information that will help him or her in a case. "I appreciate an attorney who goes straight to the main issues," he said. "The attorney who asks the same questions over and over only causes me to question his abilities. I once became frustrated when two lawyers proceeded a relatively simple case for two days. When the trial was over, I called them into my office and told them that I could have tried that case in the same amount of time as a Mike Tyson fight."

Inefficiency in the courtroom is equally ineffective. "Lawyers, including some of the most experienced, choose this style to try to impress their clients, who may assume that the most creative lawyer is impressing the judge and has the upper hand," Robinson said. "In my court, at least, it doesn't work that way. A lawyer who is combative and rude makes one wonder whether this type of presentation is being used to cover up a weak case." This bombastic style and haranguing is also boring. "I usually give credit to the lawyer who carefully presents his or her case so as to say something worth hearing and be able to concentrate much better," he said.

No matter how irritating some of these annoyances can be, Robinson believes that it is just as important for a judge to practice tolerance and understanding while dealing with lawyers and their cases. "A judge needs to remember that it is not his or her job to be a lawyer and avoid separating him or herself from the difficulties of the everyday practice," he said.

Judge Stuart Robinson has served as a Hinds County Chancellor since January, 1983, and is Senior Chancellor since 1989. Prior to his election, he had practiced law in Jackson for twenty-two years. He is one of two Chancery judges on the Mississippi Judicial Performance Commission. He has also hired the HCRA's People's Law School, members of the Mississippi Legislature who are attorneys; the State Chancery Judges Conference; the Joint Conference for Mississippi/Louisiana Trial Judges, New Orleans, Louisiana; and various other groups. He received his B.B.A. from the University of Mississippi in 1959 and his L.L.B. from the University of Mississippi in 1961. A native of Jackson, Robinson continues to reside in Jackson with his wife, Lynett G. Robinson. He has two children: Stuart Robinson, Jr., a partner with Heidelberg & Woolf; and Lynn Robinson Brewer, and four grandchildren.

In addition to handling a regular caseload, Judge Robinson, as Senior Chancellor, handles most of the administrative matters involving chancery court. He also oversees the handling of the large volume of Department of Human Services child support cases by a family master and he handles the Special Masters of all child cases filed in Hinds County. Robinson is the Director of the Mississippi Rules of Court, but in other cases as a judge. He much hopes that his many years of very demanding practice will enable him to willfully do his best. He makes it known to others that he is combative and not afraid of them. He also frequently gives credit to the lawyer who makes a case, and not the lawyer who wins a case. This, according to Robinson, is the mark of a true professional.
Finally... A Home-Owned Title Insurance Company Again

byRowan H. Taylor, Jr.

In July of 1996, several Mississippi attorneys, bankers, and real estate professionals joined with me to incorporate and license Mississippi Guaranty Title Insurance Company, the first new Mississippi title insurer in more than 50 years. This is an exciting time for me and our company’s Board of Directors. Our company’s announcement, including our address and telephone number and the names of our officers and directors, appears elsewhere in this newsletter.

Many people have asked me, "Why start a title insurance company when there are so many already out there?" On the other hand, many others have told me that they too have thought about starting one in the past few years. There are several reasons to form a new title insurance company, but it all boils down to just one reason in the end. None of the other title insurance companies are Mississippi owned; all are either foreign corporations or owned by foreign corporations, in most cases, multi-national corporations.

Based on my experience and knowledge in the real estate profession, I thought there was a need for a new title company that was specifically designed to meet the needs of Mississippi lawyers and the real estate market here in Mississippi. We support the idea of real estate attorneys closing loans in Mississippi and do not plan to provide closing services in competition with them.

In closing, our focus at MGT will be on service to real estate attorneys and their clients. As a locally-owned and operated business, we look forward to working with you. I appreciate this opportunity to tell you about our new company.

Rowan H. Taylor, Jr., is a graduate of the Mississippi College School of Law (J.D., 1978). He is the immediate past President of the Dixieland Title Association, an association made up of title insurance underwriters, agents, and real estate attorneys in Alabama, Georgia and Mississippi. He has worked in the title insurance industry both as an attorney and in the employment of three different underwriters, serving in positions such as Vice President, State Manager and State Counsel. He is a frequent speaker on title insurance-related issues.
Scenes from the 1996 HCBA Golf Tournament

Left to right: Tom Milam, Rob Taylor, Marcus Wilson.

Left to right: Todd Waycaster, Todd Woods, Pete Doran, Jeff Hubbard.

Left to right: Brian Jannysen, Meade Mitchell, Rob Wood, David Dumas.

Left to right: Don Lucy, Reeves Jones, Jim Macings, Jimmy Knight.

Left to right: Craig Mendoza, Kenny Griffis, Phyllis Thurman, Director, MS Volunteer Lawyer Project.

Left to right: Todd Waycaster, Todd Woods, Pete Doran, Jeff Hubbard.

Left to right: Marcus Wilson, Tom Milam, Rob Taylor, Marcus Wilson.

Winners in the 1996 Golf Tournament

Long Drive
1. W. G. Matthews
2. Nick Vinson
3. Tom Qualy
Closest to Hole
1. Steve Younger
2. Rob Taylor
3. Pete Doran
4. David Webb
5. David Webb
1st Flight
1. Don McClure
2. Todd Waycaster
3. Kenny Griffis
4. Steve Younger
5. David Webb
2nd Flight
1. W. G. Matthews
2. Nick Vinson
3. Tom Qualy
4. David Webb
5. David Webb

Client Thanks LRS

"During the past year I had occasion to use your lawyer referral service. I am writing to thank you for the service rendered and to commend the work of the law firm to which you referred me," writes an HCBA Lawyer Referral Service client.

This is just one example of the successful services rendered during our first year in operation.

Since June of 1995, the LRS has received almost thirty phone calls per day. Of the approximately forty fee-paying referrals made each week, twenty five percent are in matters of family law and more than ten percent are labor and employment related.

The LRS also receives calls concerning personal injury, general litigation, criminal defense, real estate, social security and wills, trust and estate administration.

Join our LRS team and assist us in continuing to provide this valuable service to the tri-county area. (An application is enclosed.)

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HCBA Christmas Social

Thursday, December 5, 1996
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Mississippi Bar Center

Hinds County Bar Association, Inc.
151 E. Griffith Street
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